

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

_____	)	
IN RE: PHARMACEUTICAL	)	
INDUSTRY AVERAGE WHOLESALE	)	MDL NO. 1456
PRICE LITIGATION	)	
	)	CIVIL ACTION: 01-CV-12257-PBS
_____	)	06-CV-10690-PBS
	)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO:	)	
	)	
<i>State of Florida, et al. v. Mylan</i>	)	Chief Mag. Judge Marianne B. Bowler
<i>Laboratories Inc., et al.</i>	)	
	)	
_____	)	

**STATUS REPORT NOVEMBER 1, 2006**

Pursuant to the Court's July 17, 2004 Procedural Order, the undersigned counsel for Plaintiffs hereby submit the following status report to the Court listing the status of all motions to date.

Respectfully Submitted,

DATED: November 1, 2006

By /s/ Mark S. Thomas

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**ATTORNEYS FOR VEN-A-CARE OF THE  
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**MDL 1456 Status Report**  
**State of Florida ex rel. Ven-A-Care v. Mylan Laboratories, Inc., et al.**  
**Case No.: 06-CV-10690-PBS**

**Complaint in Intervention**

On July 20, 2005, Plaintiffs filed a Complaint in Intervention styled *State of Florida v. Mylan Laboratories, Inc.*, No. 98-3032G (Fla. 2d Cir. Ct.) in the Court of the Second Judicial Circuit in and for Leon County, Florida.

**Removal to Federal Court**

On December 16, 2005, Defendants removed this action to the United States District Court for the Northern District of Florida. Prior to removal, the parties fully briefed the motion to remand under then-decided Eleventh Circuit law.

**Transfer to the District Court of Massachusetts**

On April 12, 2006, the JPML transferred *State of Florida v. Mylan Laboratories, Inc. et al.*, Case No. 4:05-cv-490 (N.D. Fla.), to this Court and this case was assigned Case No. 1:06-CV-10690. On or about April 20, 2006, this Court entered an Order consolidating Case No. 1:06-CV-10690 with Case No. 01-CV-12257.

In light of the fact that this case has been transferred to this Court by the JPML, the Motion for Remand is **currently pending** before this Court. This Court has previously granted a similar motion to remand in *State of Florida v. Alpharma, Inc., et al.*, Case No. 05-CV-11795-PBS. (*See* Doc. 3069.) The parties requested and this Court ordered timely briefing reflecting First Circuit law and recent rulings concerning the scope of federal jurisdiction. (*See* Docs. 3083, 3090.) Plaintiffs have filed their initial memorandum in support of the motion on October 10, 2006. (*See* Doc. 3186.) Defendants filed their response memorandum in opposition on October 30, 2006. (*See* Doc. 3279.) Plaintiffs' reply memorandum is due on November 22, 2006.

**CERTIFICATE OF SERVICE**

I hereby certify that I, Jonathan Shapiro, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on November 1, 2006, pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LEXIS File & Serve electronic filing service. I hereby also certify that a copy hereof was furnished via U.S. Mail this 1<sup>st</sup> day of November 2006, to the following:

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